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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

Date Allowed: **August 22, 2007**

**SAITOH, Shuji, et al.**

Group Art Unit: **1645**

Serial Number: **09/147,052**

Examiner: **GANGLE, Brian J.**

Filed: **April 5, 1999**

**P.T.O. Confirmation No.: 1182**

**FOR: NOVEL FUSION PROTEIN, GENE THEREOF, RECOMBINANT VECTOR  
BEARING THE GENE AND RECOMBINANT VIRUS AS WELL AS USE  
THEREOF**

**REQUEST FOR RETURN OF FORM PTO-1449**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

August 28, 2007

Sir:

An Information Disclosure Statement was filed on **September 25, 1998**. A copy of this Information Disclosure Statement is attached.

The PTO-1449 from this Information Disclosure Statement was returned with the Office action dated February 29, 2000, but two of the references, JP7-503842 and JP5-504253, were lined through to indicate they were not considered. No explanation was given as to why these two references were not considered.

Applicant respectfully submits that the Information Disclosure Statement was proper and these references should have been considered.

It is respectfully requested that the Examiner return a copy of the Form PTO-1449 which accompanies the Information Disclosure Statement, marked to indicate that the references listed therein have been considered by the Office. In this regard, Applicant notes that the concise explanation of relevance of the two references was provided by the PCT search report accompanying the original filing of the IDS.



The Examiner is requested to telephone the undersigned should he have any questions concerning this Request.

Respectfully submitted,

KRATZ, QUINTOS & HANSON, LLP

Daniel A. Geselowitz, Ph.D.

Agent for Applicant

Reg. No. 42,573

DAG/xl

Atty. Docket No. **981167**

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1420 K Street, N.W.

Washington, D.C. 20005

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PATENT TRADEMARK OFFICE

Enclosures: Copy of the Information Disclosure Statement filed September 25, 1998  
Initialed PTO-1449 returned with the Office action dated February 29, 2000  
PTO-1449



<b>INFORMATION DISCLOSURE CITATION PTO-1449</b>	Atty. Docket No. <b>981167</b>	Serial No. <b>09/147,052</b>
	Applicant(s): <b>SAITOH, Shuji, et al.</b>	
	Filing Date: <b>April 5, 1999</b>	Group Art Unit: <b>1645</b>

### U.S. PATENT DOCUMENTS

Examiner Initial	Document No.	Name	Date	Class	Subclass	Filing Date (If appropriate)
_____	AA					
_____	AB					
_____	AC					
_____	AD					
_____	AE					

### FOREIGN PATENT DOCUMENTS

Document No.	Date	Country	Translation (Yes or No)
_____ AF 7-503842	04/27/95	Japan	No
_____ AG 5-504253	07/08/93	Japan	No
_____ AH			
_____ AI			
_____ AJ			

### OTHER DOCUMENTS

_____	AK	
_____	AL	

Examiner	Date Considered
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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: **Shuji SAITO et al.**

Serial Number: Not Yet Assigned

Filed: **September 25, 1998**

For: **NOVEL FUSION PROTEIN, GENE THEREOF, RECOMBINANT VECTOR  
BEARING THE GENE AND RECOMBINANT VIRUS AS WELL AS USE  
THEREOF**

**INFORMATION DISCLOSURE STATEMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

September 25, 1998

Sir:


In compliance with 37 CFR 1.56, Applicants call to the attention of the Patent and Trademark Office the references listed on the attached PTO-1449. References AC, AD, AE, AF and AG are cited in the enclosed International Search Report. References AC, AH and AI are cited in the specification.

A copy of each of the references is enclosed herewith.

In the event there are any fees due in connection with the filing of this paper, please charge Deposit Account No. 01-2340.

Respectfully submitted,  
**ARMSTRONG, WESTERMAN, HATTORI  
McLELAND & NAUGHTON**

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Reg. No. 31,541

Enclosures: PTO-1449; References (7) and International Search Report.



<b>INFORMATION DISCLOSURE STATEMENT PTO-1449</b>	Atty. Docket No. 981167	Serial No. New Appln.
	Applicant(s): Shuji SAITO et al.	
	Filing Date: September 25, 1998	Group Art Unit:

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Examiner Initial	Document No.	Name	Date	Class	Subclass	Filing Date (If appropriate)
_____	AA					
_____	AB					

### FOREIGN PATENT DOCUMENTS

Document No.	Date	Country	Translation (Yes or No)
_____ AC WO 94/23019	10/13/94	PCT	Abstract. See PCT Search Rpt. & pg. 2 of the specification.
_____ AD 7-503842	04/27/95	Japan	No. See PCT Search Rpt.
_____ AE 5-504253	07/08/93	Japan	No. See PCT Search Rpt.

### OTHER DOCUMENTS

_____	AF	Yoshida et al.; Virology 220, pp.484-493, 1994. See PCT Search Report.
_____	AG	Nazerian et al.; Journal of Virology 66, Vol. 66, No. 3, pp. 1409-1413, March 1992. See PCT Search Report.
_____	AH	DeLuca et al., Virology 122, pp. 411-423, 1982. See pg. 4 of the specification.
_____	AI	Blacklaws et al., Virology 177, pp. 723-736, 1990. See page 4 of the specification.

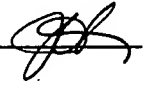
Examiner	Date Considered
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	Filing Date: September 25, 1998	Group Art Unit:



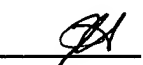


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### OTHER DOCUMENTS

	AF	Yoshida et al.; Virology <sup>200</sup> 220, pp.484-493, 1994. See PCT Search Report.
	AG	Nazerian et al.; Journal of Virology <del>66</del> , Vol. 66, No. 3, pp. 1409-1413, March 1992. See PCT Search Report.
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	AI	Blacklaws et al., Virology 177, pp. 723-736, 1990. See page 4 of the specification.
Examiner 	Date Considered	2/00